**HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 2628 OF 2005.**

Shri Nishikant Pandurang Tagare. ...Applicant.

V/s.

The State of Maharashtra. ...Respondent

Shri A.P.Mundargi with Niranjan Mundargi, for applicant.

Shri V.B.Konde-Deshmukh, APP for respondent.

Shri Uday Warunjikar, for depositors.

**CORAM: A.M.KHANWILKAR,J**
**DATE : MAY 3, 2005**

**P.C. :-**

1. Heard counsel for the parties including Shri Warunjikar, for depositors.

2. Shri Mundargi, counsel for the applicant submits that the applicant is entitled for bail on parity alongwith the co-acccused Shashikant Sadashiv Wagh who has been directed to be released on bail by separate order by this court. In so far as the present applicant is concerned, he was director of the bank. Even in case of the present applicant, the prosecution case was to be accepted as it is, the offence at best would be punishable with imprisonment upto 7 years.

Although section 467 of the I.P.C. is invoked by the prosecution as in the case of co-accused Shashikant Wagh, there is no evidence to indicate that the applicant was responsible for the commission of the said offence under section 467 of the I.P.C.. In the companion matters, it has been noticed that prosecution has not invoked charge of criminal conspiracy. If it is so, as the applicant is in custody since 23rd March, 2005 and has been extensively interrogated by the Investigating Officer while in police custody till 29th March, 2005 and the evidence is essentially, documentary evidence, the applicant deserves to be enlarged on bail on the following conditions.

(i) The applicant is directed to be released on bail in connection with the C.R.No.11 of 2005 registered with MIDC Kupwad Police Station, Sangli, on executing personal bond in the sum of Rs.1 Lakh(Rs.one Lakh) with two local sureties in like amount.

(ii) The applicant shall not influence any prosecution witnesses or tamper with prosecution evidence, in any manner, whatsoever.

(iii) The applicant shall not enter district

Sangli without prior intimation to the Investigating Officer, except for reporting before the Investigating officer for the purpose of investigation in the case, in terms of the directions in this order.

(iv) The applicant shall report before the Investigating Officer on Wednesday and Sunday every week between 10 a.m. to 1 p.m. till filing of the chargesheet or on such other day and time and place as may be required by the Investigating Officer for the purpose of Investigation of the case.

(v) The applicant shall inform the place of residence to the investigating officer within one week from the date of release. Besides, the applicant shall report to the nearest police station till filing of the chargesheet.

(vi) The applicant shall deposit passport with Investigating Officer, if any. In case, the applicant does not possess any passport, shall file affidavit before this court, disclosing that fact. Unless this condition is complied, the order releasing him on bail will not be given

effect.

(vii) The applicant shall cooperate the investigating officer for the purpose of investigation of the case.

(viii) This order will enure in favour of the applicant till filing of the chargesheet.